



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 6

SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA  
AIRMAIL

**COPY MAILED**

**JAN 16 2003**

**OFFICE OF PETITIONS**

In re Application of :  
Kia Silverbrook et al :  
Application No. 09/693,226 : ON PETITION  
Filed: October 20, 2000 :  
Attorney Docket No. ART84US :

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 13, 2000. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 14, 2001.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the

required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

As to item (1), while receipt is acknowledged of the executed declaration filed December 19, 2002, the declaration is not acceptable. As executed, it is unclear whether the inventors are attesting to being a joint inventor along with the other inventor. The first page of the declaration states that "I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter..." Since the declaration submitted does not suggest that there are further pages to this declaration. Accordingly, a declaration under 37 CFR 1.63 is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office  
Box DAC, P.O. Box 2327  
Arlington, VA 22202


OR

Commissioner for Patents  
Box DAC  
Washington, DC 20231

By facsimile: (703) 308-6916  
Attn: Office of Petitions.

By hand: Office of Petitions  
2201 South Clark Place  
Crystal Plaza 4, Suite 3C23  
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

  
Wan Laymon  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy